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27
28 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

29 CENTER FOR BIOLOGICAL DIVERSITY,

30 Case No. 2:20-cv-01812-JCM-NJK

31 Plaintiff,

32 v.

33 **REMEDY ORDER**

34 HAALAND, ET AL,

35 Defendants,

36 and

37 IONEER USA CORPORATION

38 Defendant-Intervenor.

1 For the reasons stated in the Court's Order (ECF No. 42), the Court hereby Orders that:

2 A. Federal Defendants shall submit to the Federal Register no later than May 31, 2021, a
3 12-month finding pursuant to 16 U.S.C § 1533(b)(3)(B) that listing the Tiehm's buckwheat is
4 either "warranted" or "not warranted."

5 B. If FWS makes a "warranted" 12-month finding, Federal Defendants shall submit to
6 the Federal Register no later than September 30, 2021, a proposed listing rule pursuant to 16
7 U.S.C. § (b)(5)(A)(i).

8 C. If FWS makes a "warranted" 12-month finding, and designating critical habitat is
9 prudent and determinable, Defendants shall submit to the Federal Register no later than January
10 31, 2022, a proposed critical habitat determination pursuant to 16 U.S.C. § 1533(a)(3)(A)(i). If,
11 however, the Office of Management and Budget determines the proposed critical habitat
12 determination is a "significant regulatory action" under Executive Order 12,866, Federal
13 Defendants shall have until May 2, 2022, to submit the proposed critical habitat determination to
14 the Federal Register.

15 **D. Defendants' emergency motion to alter/amend the judgment (ECF No. 44) and**
16 **the second joint motion to extend the time for the court to make a ruling (ECF No. 57) are**
17 **DENIED as moot.**

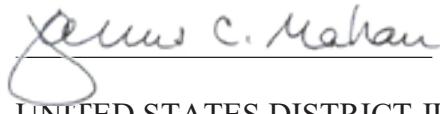
18 IT IS SO ORDERED.
19

20 Dated: May 17, 2021.

21 Submitted by:

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UNITED STATES DISTRICT JUDGE

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